

Previous references.
Same file, Sl. 182,
13. Sept. 1905-

File No. 8

1905.

Serial Nos. 3 & 4

(Legal)

Later references.

Same file Sl. 5-8
13 Dec. 06

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 3 & 4

(94)

Part B. for January 1906

SUBJECT.

Amendment of the Mysore Legal Practitioners Regulation

FILE No. 8 of 1905-06.

Amendment of the Mysore Legal Practitioners Regulation.

- 3 From the Private Secretary to His Highness, No. 590, dated 22nd September 1905.
Forwards for report, petition of certain 2nd grade pleaders of Hassan and Chikmagalur, praying to be allowed to practice in the Sub-Judge's Court, or to be enrolled as 1st grade pleaders, on the recommendation of the Sub-Judge.
- 4 To Mr. A. Narayana Iyengar and other pleaders and the Registrar, Chief Court, No. J. 1880-81, dated 9th January 1906.
Rejects the application and states that no sufficient reasons exist to warrant a change of the existing law.

Same file, Sl. 1 & 2.
B. September 1905.

GENERAL AND REVENUE SECRETARIAT

(*legale*
faul.)

NOTES

File. No. *4.8*

FILE HEADING.

*Amendment of the Legal
Practitioners' Regulation*

From

The Private Secretary to H. H. the Maharaja

No. 550

Dated 24/5/05

Received 23/9/05.

Diary No. *7243*Enclos. 1 *and* Spare Copies. =Serial No. *25.3*

BRIEF ABSTRACT OF LETTER.

Forwarded for favor of report a petition of the 16th Sep 05 from Mr A. Narayana Gopal & other 2nd grade Pleaders of Hassan & Chikmagalur, praying that they may be permitted to practice in the Subordinate Courts at those places to the extent they were doing so before, or in the alternative they may be added to be enrolled as 1st grade Pleaders in the strength of the Subordinate certificates.

NOTES AND ORDERS.

- 24-5*
21/5/05
- 1) It so seems to the Private Secretary of the Maharaja that the petition from Mr M. A. Narayana Gopal & other 2nd grade Pleaders sent to the Secretariat for the perusal by the Private Secretary with his No. 568 of the 16th Sep 05.
 - 2) The petitioners were informed that *no* process.

+

H. G. S.
21.11.05, 27.11.05Serial
No.

X

unauthorised by law could be granted to them
~~and the law is~~ the Dewan & the
 23.11.05 Councilor being of that opinion, even
 on the recommendation of the Chief Justice
 to amend Sec 8 of the Legal Practitioners Regula-
 tion so as to allow these pleaders to practice
 before the Subordinate Courts on the small Cause
 side.

23.11.05 With reference, the history of the case
 is contained in the official already filed.

99L
25-9-05Sec 9 H
26.9.05

5) Now we repeat the previous
 endorsement? H. G. has
 been pleased to call for a
 report. Submitted to the Dewan
 Sahib this morning 27.11.05

498
27-9-05

6) The question has more than
 once received the most careful
 consideration of Govt. I con-
 tinue to be of the humble opinion
 that in spite of some slight
 hardship, the ^{complaints of} grievance is not suffi-
 ciently serious to necessitate or
 warrant an amendment of the existing
 law without making which a
 30.11.05

Leg: File No 12 of 1905 -

4

Submitted to His Highness.

as called for in PS

N^o 590 of 22. 9. '05

7) The record will show
that the matter has re-
ceived very careful
consideration and that
it is inexpedient to grant
the application which
requires alteration of law.
There are higher grade
Pleaders both in Hassan
& Chikmagalur &
it is not necessary to
admit inferior Pleaders
to Courts of Superior grade.
The application had settled
itself and the transfer
ability of the Subj. was
sent to Shemoga court
the II^d grade Pleaders
then vacillate - Their
report was also agreed
and this petition is
perhaps sent with the
object of giving support
to the Shemoga Pleaders.

Serial
No.

1) Draft of an order sent for approval
with a copy of His Highness the Maharaja's
remark

157 After issue of the order, ^{para 27} H.H.B.
4/5/06 ~~the~~ remarks may perhaps be circulated
to officers & subjects in the Secy for guidance.

Dec 4

H
5-1-06

Paper

5-1-1206

4) For info N.J. 1880-87 / Aug 8-05 & 8th
Jan 1906, to Mr A. Narayana Swamy &
other pleaders of Hassan & Chickmagalur
& the Registrar of the High Court

State that the Govt are of opinion
that the guidance complained of is not
sufficiently serious to necessitate amend-
ment of the existing law, ~~hence the~~ rejects the
application, ~~for the acts~~

16) The order having been passed, the file
is resubmitted as directed by the Dewan

MS CN
9/1/06 9-1-06

Dec 4

H
10-1-06-

10739
10-1-06

MS
10/1/1906.

18) As per orders of the Dewan Sahib
this is sent to the ^{1st} Commissioner
16-1-1906.

Recd & returned with thanks

NOTE—Contn. sheet

10818
17-1-06

MGCPB-50,000-17-20:

17-1-1906

17-1-06

I see that the file
has to be sent back
apparently for printing
Secy is holding it

Serial
No.

19256

Revenues order

Note H's order (on 18th
page) - In PMK
15.2.06.

21) Note

J. J. J. 17.2.1906

22) Gross

Circulated to all the Mtrs + the Supts of all
Branches.

SR
17/2/06

Reena
17/2/06

Legs: 7.8 for
Sl: No 3

743

OFFICE OF THE PRIVATE SECRETARY TO
HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. 590

Mysore 22nd September 1905

1 ~~Ch 2 14-05-25~~

Petition as shown below, to His Highness the Maharaja, 18

transferred to the Secretary to the Government of His Highness the Maharaja

of Mysore, General and Revenue Department (Br : III), Bangalore, for *report*

No. 387 of 05-06.

By Order,

Manomohel

I. C. S.

Private Secretary

to H. H. The Maharajah of Mysore.

iii
rule
23.9.05
(Contd)

GOVERNMENT OF INDIA
OFFICE OF THE SECRETARY
MINISTRY OF DEFENSE
NEW DELHI

MAHARAJA OF MYSORE%

2. The humble Memorialists are duly enrolled 2nd Grade Pleaders and were practising as such in the Munsiff Courts at Chickmagalore and Hassan. Though these Courts were constituted as Subordinate Judges Courts in January 1903, the Memorialists were, in the *Chief* Court's Pro. No. 4265-66/173 dated the 24th January 1903, kindly allowed to practise in the said Sub-Judges Courts in all cases falling within the pecuniary limits of the Munsiffs. They continued to practise as such till September 1904, when the presiding Judges of the respective Courts interdicted their appearance before them, as the Chief Court in their Pro. No. 1892-93/80 dated the 19th September 1904 debarred them from practising any further in the peculiarly constituted Sub-Judges Courts.

4. The ever recurring uncertainty of season prospects and the outbreak of Plague had already jeopardised the remunerative aspect of the Legal Practitioner's profession, and to eclipse all, the mandate of the Chief Court debarring the humble Memorialists from practice came in paralysing them as their greatest misfortune. It

It cannot be that the Honourable the Chief Court of their own accord contemplated our overthrow since shortly after the Sub-Court that Authority, being alive to the combined nature of the newly created Courts unlike those of Bangalore and Mysore and also to the great hardship which the Memorialists would be subjected to came to their rescue, and allowed them the continuance of the practice within certain limits. This did not operate prejudicially to the interests of any other. The Memorialists are not aware if the attempt of the Chief Court to make necessary amendments in the Legal Practitioners Regulation was vetoed by Government, and the Chief Court was obliged to issue their Order of September 31 1904, which threatened the very existence of the Memorialists, and consigned their honourable and public career to one of ignominy and obscurity. It cannot be either that the Government ever solicitous of the welfare of the high and low would think of driving to penury and want, the lot of Memorialist 2nd Grade Pleaders, on the ground that there is no paucity of 1st Grade Pleaders, for that would amount to encouraging one at the cost of another.

5. The Government constituted these Sub-Courts simultaneously at Chickmagalore, Hassan and Chitaldrug. They have recently reinstated the Munsiff Court at Chitaldrug and thus saved the 2nd Grade Pleaders thereof from starvation. A ~~SS~~ Sub-Court at Shimoga is established in addition to the District Court there. The Courts established at Shimoga had from a long time the jurisdiction of cases triable in the Sub-Court arising within the Kadur District. If the Memorialists are not misinformed, not even one per cent of the case above the jurisdiction of the Munsiff is filed in the Sub-Courts at Chickmagalore and Hassan. Nor are there any loud and vehement protests from the litigant public for the continuance of costly Sub-Courts there. Even in that August Representative Assembly the Memorialists' present prayer had been urged for the consideration of Government, though the reply was negative.

6. The Memorialists prayer for the relaxation of the Rule of Practice, which the Chief Court graciously conceded at the beginning, is not an inexpedient and impracticable act in as much as.

~~they acquired the right to practice as 2nd Grade Pleaders by~~
~~qualifying themselves under the existing~~
 they acquired the right to practice as 2nd Grade Pleaders by
 qualifying themselves under the existing rules and that right they
 are now denied because the administrative convenience ordained the
 institution of a Sub-Court combined with the powers of a Munsiff
 Memorialists have heard of instances of Government Appointments be-
 ing abolished and the persons holding those appointments allowed
 to draw the pay they were getting till they are provided with an
 appointment carrying the same or higher salary. Since in matters
 affecting the public coffers, the Government is so generous and
 considerate, the petitioners respectfully and humbly pray that the
 lot may be more liberally and mercifully viewed

7. In conclusion the Memorialists beseech Your Highness that
 if the abolition of the newly constituted Sub-Courts is not thought
 of for the present they may be permitted to exercise the right of
 practising in those Courts to the extent they were doing before, or
~~that they may~~
 that they may be ordered to be enrolled as 1st Grade Pleaders on
 the strength of the Sub-Judges' Certificates as they are too old
 to qualify themselves by passing the necessary Examination.

For this act of justice and mercy, the Memorialists will pray for
 the long life and prosperity of their Sovereign Ruler.

Copies of records connected on the subject are herein enclosed.

We beg to remain,

Sire,

Your Highness' Most Humble and Loyal Subjects

A. Narayana Murthy

Govind Narayana

B. Krishna Rao

Hassan
16th September 1905

8/ 4.265-66
173

Proceedings of the Chief Court of
Mysore, Bangalore 21st January 1903

Read letter N^o $\frac{1041}{180}$ dated the 22nd December

From the District Judge of Hassan submitting for favourable consideration and orders a Memorial by the 2nd Grade Pleaders practising in Hassan praying that they may be permitted to appear & practise in the new Sub Judge's Court at Hassan.

Letter no 77 dated 23rd Idem from the Munsiff of Chitaldroog submitting a Memorial of the 2nd Grade Pleaders of Chitaldroog

Letter N^o 223 and 224 dated 12th / 13th January 1903, from the District Judge of Shimoga submitted a Memorial presented by the 2nd Grade Pleaders of Chikamagalur and soliciting instructions as to whether 2nd Grade Pleaders can be permitted to appear, plead and act in the Subordinate Judge's Court now established

The

The question involved in these nominations is not free from doubt. The prayer appears to be opposed to the provisions contained in sections 7-8 & 9 of Mysore Legal Practitioners Regulation 1884. But the Sub Courts which have been established at Hassan, Chikamagalur and Chitaldroog are peculiar in their character and quite unlike the two Sub Courts at Bangalore & Mysore.

The Notification of the Government recognizes the distinction and expressly states that each of the New Sub-judges shall exercise the powers of a himself. There is no objection to permit 2nd Grade Pleaders already enrolled and practicing in the 3 places in question (Hassan, Chikamagalur and Chitaldroog) to appear before the Sub-judges in regard to suits which are cognizable by himself.

A copy of these proceedings will be forwarded to Government for action being taken in Legislative Department.

Department if the same is deemed
necessary —

Signed / V. A. Raja Ratnamalloslin

Registrar

District Judge's Court
Mysore

Dated 28th January 1903

No $\frac{1109}{12}$

Copy forwarded to the Sub
Judge Hassan

Signed / Ramaswami Iyer

District Judge
Mysore

"Copy"

The Mysore Gazette. December 18, 1902.

Part I

Page 575.

No. 9861, dated 13th December 1902.

In exercise of the powers conferred by the Mysore Civil Courts Regulation I of 1883, the Mysore Chief Courts Regulation I of 1884, and the Code of Criminal Procedure as introduced into Mysore by Regulation I of 1886, the Government of His ~ Highness the Maharaja are pleased to sanction the following arrangements, with effect from the 1st of January 1903

(1) The ordinary original civil jurisdiction of a District Court and the ordinary original criminal jurisdiction of a Sessions Court over the Revenue Districts of Bangalore, Kolar and Tumkur, conferred on the Chief Court of Mysore in Notification No. 17283

Mis

Nos 4305 dated the 30th June 1898. are
withdrawn from the Chief Court and
the said Notification of 30th June 1898,
is cancelled.

2- A District and Sessions Court
shall be established at Bangalore
with Civil and Criminal jurisdiction
over the Revenue Districts of Bangalore
Kolar and Tumkur

3- The Court of the District
and Sessions Judge of Hassan esta-
-blished under Notification N^o 4930750
dated the 6th October, 1900 is abolished
and jurisdiction over the Revenue,
District of Kolar is transferred
to the Shimoga Division and that over
the Revenue District of Hassan
& the Mysore Division.

4- Subordinate Judges Courts
shall be established one at each of
the

the places namely Hafean Chikmagalur
and Chital droog with a original civil
jurisdiction up to 10000 to be exercised
over the Revenue Districts of Hafean
Hader and Chital droog respectively

5. The Munsiff's Courts at Hafean
Chikmagalur and Chital droog are
abolished their civil work being
transferred respectively to the Subordinate
Judges Courts referred to in para 4

6 - ^{to} Each of the said Subordinate
Judges shall have and exercise
the jurisdiction of a Court of Small
Causes for the trial of Suits
cognizable by such Courts up to 300 Rs
and arising within the local limits
specified below namely: -

The Subordinate Judge of Hafean
The Taluks of Hafean, Banjarabad, Belur
and Arasikere

The Subordinate Judge of Chikmagalur
The Taluks of Chikmagalur, Hader
and Mudagere.

The Subordinate Judge of Chital droog
The

The whole of the Revenue District of Chitaldrug with the exception Davangere Taluk (attached to the Honnali & Munsiff's Court.)

7- Each of the Subordinate Judges shall have and exercise the powers of an Assistant Sessions Judge with jurisdiction over the Revenue District of Hassan of Kadeer and of Chitaldrug respectively.

No. 864, dated 13th. 1902

In exercise of the powers conferred by sec 16 of the Mysore Courts Regulation I of 1883 the Government of His Highness the Maharaja are pleased to invest the Subordinate Judge of Bangalore with the jurisdiction of a Court of Small Causes for the trial of Suits cognizable by such Court up to a limit of Rs 200/- and arising within the Taluks comprised in the jurisdiction of the principal and additional Munsiff's of Bangalore.

The order will have effect from the 1st January 1903.



No 5014
207

Proceedings of the Chief Court of
Bangalore Dated 2nd Feb

Lead letter no 110 of 3rd February 1903
from the Subordinate Judge, Chitalda
requesting to be informed with reference
to the Proceedings of the Chief Court
dated 24th January 1903, whether 2nd
Grade Pleaders can appear on the
Cause side of his court

In paragraph 5 of the Order
of Government of 13th December 02, it
is stated that the Munsiff's court at
Hassan, Chikamagalur and Chitalda
are abolished their civil work being
transferred respectively to the Subordinate
Judge Courts referred to in para

Paragraph 6 states that
Each of the said Subordinate Judge
will be invested with the jurisdiction
of a court of a small cause for the trial
of suits cognizable by such courts

to No 300-

A court of ~~small~~ all cause is a
separate court from a Subordinate
Judge's court although both courts
presided over by the same judge
rule which prohibits a second
grade Pleader from practising in
Subordinate Judge's court does
apply for a court of small

The rules made by the
Court of Madras under
88 of Practitioners Act empow-
ers of the 2nd Grade to appear
and act in the court of a
District or Subordinate Judge,
exercising the powers of a court
of small causes

This court is of opinion that
second grade Pleaders who are
admitted to practise in the
District of Hassan, Chikmagalur
and Chitaldroog are entitled to
practise

practise before the Courts of
Subordinate Judges when they exercise
the powers of a Court of Small
Cause

Signed / V. A. Raghunatha
Registrar

No $\frac{5015}{187}$ Copy forwarded to the District
Judge Mysore, for information &
communication to the Sub-judges
Hassan.

Signed / V. A. Raghunatha
Registrar

District Judge
Mysore d^d 6th March

Copy forwarded to the Subordinate
Judge of Hassan for information

Signed / M. Rameswami Iyer
District Judge
Mysore d^d

Proceedings of the Chief Court of Mysore
Bangalore 19th September 04
Read W^a B^a dated 8th instant from
the District judge of Shimoga, submitting
for the orders of this court the petition
of M B Krishna Rao, 2nd Grade Pleader
praying for permission to practice in the
Subordinate judges court Chitaldrug, together
with a copy of the order passed by the sub judge

The application is opposed to the
provisions of the Mysore legal Practitioners
Regulation III of 1884.

The proceedings of this Court, dated
24th January 1903 (W^a 4268-66) allowing
certain 2nd Grade Pleaders to appear before
the sub-judges of Hassan Chikmagalur
and Chitaldrug in suits cognizable
by Munsiffs are hereby cancelled

Signed V. A. Rajaratna Mudhar
Registrar

copy forwarded to the sub judge. Hassan

Proceedings of the Chief Court of the

Bangalore 5th November 04

Read letter No. 179 dated the 3rd Octo
from the Subordinate Judge of
Chickmagalur regarding & be
informed whether the prohibitions
contained in the Court's Proceed.
No. 1892-93/80 dated the 19th Septem
1904 against the appearance of a
Grade Pleaders in the Sub Courts
Hassan Chickmagalur & Ch
& tends also to their appear
small cause cases.

The Proceedings of this
5014/207 dated 2nd March 1903. &
that certain 2nd Grade Pleaders are
to appear in small cause cases to
sub judges of Hassan Chickmag
Chiklalding must be deemed &
cancelled by the Proceedings of
September 04

It is observed that the

1399
J L 20:2

From

Secretary to the Government of His High
the Maharaja of Mysore
General and Revenue Department

To

The Registrar of the Chief Court
of Mysore, Bangalore
Bangalore, 30th November

Sir

I am directed to acknowledge
to receipt of your letter No 2559 date
143
the 5th November 1904, recommending an
amendment of Section 8 of the Mysore
Legal Practitioners Regulation II
so as to authorise 2nd Grade Pleaders
appear, plead and act in cases in
the small cause side by Subordinate
Judges and in cases in which a
would ordinarily have jurisdiction
In reply, I am to state that so
as the 1st July 1903 (vide your letter
of that date) the Chief Court did
consider it necessary to per
any alteration of the Regulation
Moreover of the three Subor
Judges courts concerned the

Chutaldong is likely soon to cease to exist

The grievance then is only from a few ~~of~~ Pleaders practising at Haffam and Chukmagalur and in these places there is no Legal Practitioners with higher qualification. At the last Representative Assembly also, the question was mooted and the reply given was to the effect that Government were not in favour of a change under these circumstances up to say that a change of the Law now proposed is considered by Government to be unnecessary

Signed / R E Chundrasekharendra
For Secretary

3071/2
34

Chief Court Mysore
Bangalore 17 Dec 1904

Copy forwarded to the District
Mysore for information

Signed / J. Selapham
Registrar

59
6 Copy forwarded to the
Sub-Registrar

Sub-judge Hassan for information
and communication to the 2nd Grade
Pleaders of Hassan

Signed/- Mr. Damodaroluni Sg
District Judge

Mysore
5/12/04

True Copy

22

Leps

File No. 8

Serial No. 4

Diary No. of letter replied to 9743Proceedings of the Government of His Highness
the Maharaja of Mysore.GENERAL AND REVENUE
SECRETARIAT.
(Leg. Secy)

READ.—

the

190

Date of issue 9th Jan 06Signed by Dy Secretary

Memorial of the 16th Sept
1905 from Mr. A. Narayana Ganga
and the 2nd grade pleaders of
Hassan & Chikmagalur, praying
that they may be permitted to
practise in the Sub Courts of
Hassan & Chikmagalur to the
extent they were doing once
before or that they may be
advised to be enrolled as 1st
grade pleaders on the strength
of the Subgrants certificates.

~~ORDER THEREON~~ No.

Order Thereon:—

On a most careful

over

No. J. 1880-87
Leps 8-05-4

SUBJECT

Government are
consideration, ~~of the position~~
~~in the memorial and~~
of opinion that the grievance
complained of, ^{in the memorial read above} is not suffi-
ciently serious to necessitate
or warrant an amendment
of the existing law, without
which compliance with the
memorialists request is not
possible there ^{being} ~~are~~ higher
grade pleaders both in Haroon
& Chikmagalur ~~and~~ it is ^{therefore} considered
~~unexpedient & unnecessary~~ to admit ^{practitioners of} inferior grade
~~pleaders~~ to Courts of superior
grades. The application of the
memorialists is therefore rejected

102
5/1/06
5/1/06
To Mr. A. Narayana Iyer & other
pleaders of Haroon & Chikmagalur
The District of the Chief C. of Mysore

102
6/1/06
Copied 6/1/06
G. Accused. 20
6/1/06